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**From:** Aranda, Amber [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2557889D5F134A3DBC525A2DBF6BFDF2-AARANDA]  
**Sent:** 12/15/2021 1:08:16 PM  
**To:** Koch, Erin [Koch.Erin@epa.gov]  
**CC:** Chandrasekaran, Devi [Chandrasekaran.Devi@epa.gov]; Pittman, Forrest [Pittman.Forrest@epa.gov]  
**Subject:** RE: Glyphosate

I can forward. Also the TH meeting I scheduled may not be necessary, depending on the outcome today.

Amber L. Aranda  
Environmental Protection Agency  
Office of General Counsel  
202) 564-1737

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**From:** Koch, Erin <Koch.Erin@epa.gov>  
**Sent:** Wednesday, December 15, 2021 7:53 AM  
**To:** Aranda, Amber <aranda.amber@epa.gov>  
**Cc:** Chandrasekaran, Devi <Chandrasekaran.Devi@epa.gov>; Pittman, Forrest <Pittman.Forrest@epa.gov>  
**Subject:** FW: Glyphosate

Amber,

Would the 11 meeting with Matthew be something of interest to Devi and Forrest to provide them some background on this? BTW, I'm still triaging emails so not fully caught up yet.

Erin

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**From:** Chandrasekaran, Devi <[Chandrasekaran.Devi@epa.gov](mailto:Chandrasekaran.Devi@epa.gov)>  
**Sent:** Tuesday, December 14, 2021 11:12 AM  
**To:** Koch, Erin <[Koch.Erin@epa.gov](mailto:Koch.Erin@epa.gov)>; Pittman, Forrest <[Pittman.Forrest@epa.gov](mailto:Pittman.Forrest@epa.gov)>  
**Subject:** Glyphosate

Hi Erin & Forrest,

I saw the article below in the news today. Maybe we can discuss after the moot tomorrow.

Thanks,

Devi Chandrasekaran (she/her)  
Pesticides and Toxic Substances Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-7268 or [Teams](#)

**GREENWIRE**

AN E&E NEWS PUBLICATION

# Supreme Court invites DOJ view on herbicide showdown

BY:

PAMELA KING

| 12/13/2021 01:49 PM EST



The Supreme Court wants the federal government's input on a legal battle over the cancer risks of Roundup weedkiller. Mike Mozart/Flickr

**GREENWIRE** | *This story was updated at 3:17 p.m. EST.*

The Supreme Court today asked the federal government to weigh in on a petition that could upend litigation over cancer risks of a popular weedkiller.

In a short order this morning, the high court invited the solicitor general to file a brief in *Monsanto v. Hardeman*, in which an agribusiness giant claims that federal law should have prevented California residents from claiming that exposure to the Roundup weedkiller caused them to develop non-Hodgkin lymphoma.

The Supreme Court takes up only about 1 percent of cases that come its way. A plea from the Justice Department to either accept or reject a petition traditionally carries special weight with the court.

Monsanto Co.'s petition stems from a 9th U.S. Circuit Court of Appeals ruling that affirmed a \$25 million jury verdict for Edwin Hardeman, who developed non-Hodgkin lymphoma after using Roundup on his Sonoma County property for about 30 years.

Hardeman's trial served as the test case for a massive set of lawsuits consolidated in multidistrict litigation in the U.S. District Court for the Northern District of California.

Monsanto, which was acquired in 2018 by Bayer AG, has argued in its Supreme Court petition that the Federal Insecticide, Fungicide and Rodenticide Act should have preempted, or blocked, the claims by Hardeman and others (*Greenwire*, Dec. 9).

The company argued that EPA has for years found that a cancer warning is inappropriate for Roundup.

Bayer said in a statement today that the company would not consider any further settlement efforts now that the Supreme Court has asked for DOJ's input.

"The company is encouraged by the Supreme Court's Call for the Views of the Solicitor General in *Hardeman* and believes there are strong legal arguments to support Supreme Court review and reversal," Bayer said in a statement today.

Hardeman's lawyers have told the Supreme Court that Monsanto and Bayer have misinterpreted legal precedent on FIFRA preemption and should reject the petition.

"The evidence at trial clearly showed that Monsanto spent decades deceiving the public and the EPA about the dangers of Roundup," Hardeman's counsel — Aimee Wagstaff, Jennifer Moore and David Wool — wrote in a joint emailed statement. "Monsanto has never warned the public that Roundup causes cancer despite the overwhelming evidence that it does.

"We believe the Solicitor General will recognize that the EPA has never reviewed Roundup, the formulated product, and that the Ninth Circuit's opinion affirming the jury verdict should stand."

